



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Phillips

**Respondent:** SFF Realisations 2022 Limited (formerly Sheringhams Fine Foods Ltd) (in creditors voluntary liquidation)

**Heard at:** London South Employment Tribunal, Croydon

**On:** 11 December 2023

**Before:** Employment Judge Abbott, Mr M Marena & Miss H Edwards

## Representation

Claimant: no attendance

Respondent: no attendance

# JUDGMENT

The claim is dismissed pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013.

# REASONS

1. The claim was listed for a 3 day final hearing commencing today at 10am. This was the third attempt to have a final hearing in this case:
  - a. The case was listed for final hearing on 18-20 July 2022, but was adjourned pursuant to a request of the claimant made by email on 17 July 2022.
  - b. The order of the Tribunal on the above adjournment was that the case be listed for final hearing on 5-7 December 2022. However, due to an administrative error, the hearing was not put in the Tribunal diary. This error came to the attention of the Tribunal when the claimant emailed on 5 December 2022 having received no details for the hearing. Accordingly, the case was relisted to commence today.

2. The notice of this hearing was sent to the correct email addresses for both parties on 12 January 2023. There is no correspondence on file from the claimant since then.
3. A pre-hearing check letter was sent by the Tribunal on 13 November 2023 to the same email addresses. It was responded to by the joint liquidators of the respondent on 22 November 2023, who explained that they did not intend to attend the final hearing, and noted that they did not see any prospect of a dividend being paid to unsecured creditors out of the liquidation. No response was received from the claimant.
4. Neither party was present at 10am today. The Tribunal clerk left messages for the claimant on his phones, but no response was received. We waited until 10:30am before abandoning the hearing.
5. As set out above, there is no evidence of the claimant having engaged with this claim since December 2022. The Tribunal's pre-hearing check letter in respect of this hearing was not responded to. No documents have been provided to the Tribunal pursuant to the directions made on 18 July 2022, directions which were made in circumstances where a final hearing had to be adjourned following a late request from the claimant. It is evident that the claim has not been actively pursued since that time.
6. Rule 47 applies as the claimant has not attended the hearing. That rule reads as follows: *"If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."*
7. The extent of our enquiries, and the information available to us, regarding the claimant's absence is set out above. There is no material before the Tribunal that would make it possible to fairly determine the claim today without the claimant being present. Taking account of the above, in all the circumstances, we are satisfied that the overriding objective of dealing with cases fairly and justly is best served by dismissing the claim in accordance with Rule 47 rather than adjourning again.

---

**Employment Judge Abbott**

Dated: 11 December 2023

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.